

### **Inherently Included Offenses**

- Attempted Murder is an inherently included offense of Murder
  - *Ledesma v. State*, 761 N.E. 2d 896 (Ind. Ct. App. 2002)
- Neglect of a Dependent is an inherently included offense of Attempted Murder
  - *Chinda v. State*, 754 N.E.2d 981 (Ind. Ct. App. 2001)
- Voluntary Manslaughter is an inherently included offense of Murder
  - *White v. State*, 699 N.E. 2d 630 (Ind. 1998)
  - *Wilkens v. State*, 716 N.E. 2d 955 (Ind. 1999)
  - *Wilson v. State*, 697 N.E. 2d 466 (Ind. 1998)
  - *Anderson v. State*, 681 N.E. 2d 703 (Ind. 1997)
  - *Culver v. State*, 727 N.E. 2d 1062 (Ind. 2000)
  - *Allen v. State*, 716 N.E. 2d 449 (Ind. 1999)
  - *Brown v. State*, 703 N.E. 2d 1010 (Ind. 1998)
  - *Powers v. State*, 696 N.E. 2d 865 (Ind. 1998)
  - *Barker v. State*, 695 N.E. 2d 925 (Ind. 1998)
  - *Horan v. State*, 682 N.E. 2d 502 (Ind. 1997)
  - *Champlain v. State*, 681 N.E. 2d 696 (Ind. 1997)
  - *Hamilton v. State*, 783 N.E. 2d 1266 (Ind. Ct. App. 2003)
- Reckless Homicide is an inherently included offense of Murder
  - *Miller v. State*, 694 N.E. 2d 770 (Ind. Ct. App. 1998)
  - *Ellis v. State*, 736 N.E. 2d 731 (Ind. 2000)
  - *Williams v. State*, 755 N.E. 2d 1128 (Ind. Ct. App. 2001)
  - *Lyttle v. State*, 709 N.E. 2d 1 (Ind. 1999)
  - *Heavrin v. State*, 675 N.E. 2d 1075 (Ind. 1996)
  - *Wilson v. State*, 697 N.E. 2d 466 (Ind. 1998)
  - *Anderson v. State*, 681 N.E. 2d 703 (Ind. 1997)
  - *Evans v. State*, 727 N.E. 2d 1072 (Ind. 2000)
  - *Bostick v. State*, 773 N.E. 2d 266 (Ind. 2002)
  - *Davenport v. State*, 749 N.E. 2d 1144 (Ind. 2001)
  - *Miller v. State*, 720 N.E. 2d 696 (Ind. 1999)
  - *Etienne v. State*, 716 N.E. 2d 457 (Ind. 1999)
  - *Sanders v. State*, 704 N.E. 2d 119 (Ind. 1999)
  - *Charlton v. State*, 702 N.E. 2d 1045 (Ind. 1998)
  - *Young v. State*, 699 N.E. 2d 252 (Ind. 1998)
  - *Alford v. State*, 699 N.E. 2d 247 (Ind. 1998)
  - *McEwen v. State*, 695 N.E. 2d 79 (Ind. 1998)
  - *Horan v. State*, 682 N.E. 2d 502 (Ind. 1997)
  - *Champlain v. State*, 681 N.E. 2d 696 (Ind. 1997)

- Attempted Voluntary Manslaughter is an inherently included offense of Attempted Murder
  - *White v. State*, 699 N.E. 2d 630 (Ind. 1998)
- Attempted Aggravated Battery is an inherently included offense of Attempted Murder
  - *Meriweather v. State*, 659 N.E. 2d 133 (Ind. Ct. App. 1995)
- Aiding in Reckless Homicide is an inherently included offense of Aiding in Murder
  - *Brown v. State*, 770 N.E. 2d 275 (Ind. 2002)
- Battery is an inherently included offense of Rape
  - *Angle v. State*, 698 N.E. 2d 356 (Ind. Ct. App. 1998)
- Class B felony Rape and Criminal Deviate Conduct are inherently included offenses of Class A felony Rape and Criminal Deviate Conduct
  - *Walker v. State*, 678 N.E. 2d 402 (Ind. Ct. App. 1997)
- Class B misdemeanor Battery is an inherently included offense of Class A misdemeanor Battery
  - *Tucker v. State*, 725 N.E. 2d 894 (Ind. Ct. App. 2000)
- Possession of Narcotic Drug is an inherently included offense of Dealing that Drug
  - *Quick v. State*, 660 N.E. 2d 598 (Ind. Ct. App. 1996)
- Theft is an inherently included offense of Carjacking
  - *Sanders v. State*, 713 N.E. 2d 918 (Ind. Ct. App. 1999)
- Theft isn't an inherently included offense of Robbery
  - *Hauk v. State*, 729 N.E. 2d 994 (Ind. 2000)
- Confinement can be an inherently included offense of Robbery where act of force is the same
  - *Merriweather v. State*, 778 N.E. 2d 449 (Ind. Ct. App. 2002)
- Involuntary Manslaughter is an inherently included offense of Murder
  - *Williams v. State*, 755 N.E. 2d 1128 (Ind. Ct. App. 2001) BUT...

### Crimes that are not inherently included offenses

- Involuntary Manslaughter isn't an inherently included offense of Murder
  - *Anderson v. State*, 681 N.E. 2d 703 (Ind. 1997)
  - *Evans v. State*, 727 N.E. 2d 1072 (Ind. 2000)
  - *Wilson v. State*, 765 N.E. 2d 1265 (Ind. 2002)
  - *Champlain v. State*, 681 N.E. 2d 696 (Ind. 1997)
  - *Ketcham v. State*, 780 N.E. 2d 1171 (Ind. Ct. App. 2003)
  - *Erlewein v. State*, 775 N.E. 2d 712 (Ind. Ct. App. 2002)
- Criminal Recklessness isn't an inherently included offense of Attempted Murder
  - *Ellis v. State*, 736 N.E. 2d 731 (Ind. 2000)
- Assisting a Criminal isn't an inherently included offense of Murder
  - *Sturgeon v. State*, 719 N.E. 2d 1173 (Ind. 1999)
  - *Hauk v. State*, 729 N.E. 2d 994 (Ind. 2000)
- Battery isn't an inherently included offense of Attempted Murder
  - *Noble v. State*, 725 N.E. 2d 842 (Ind. 2000)
  - *Edwards v. State*, 773 N.E. 2d 360 (Ind. Ct. App. 2002)
- Battery isn't an inherently included offense of Murder
  - *Stringer v. State*, 690 N.E. 2d 788 (Ind. Ct. App. 1998)
- Battery causing injury isn't an inherently included offense of Sexual Battery
  - *Delahanty v. State*, 658 N.E. 2d 660 (Ind. Ct. App. 1995)
- Recklessness isn't an inherently included offense of Battery
  - *Al-Saud v. State*, 658 N.E. 2d 907 (Ind. 1995)
- Resisting Law Enforcement isn't an inherently included offense of Attempted Escape
  - *Taylor v. State*, 659 N.E. 2d 1054 (Ind. Ct. App. 1995)
- Possession of a handgun isn't an inherently included offense of Class D felony Criminal Recklessness
  - *Fields v. State*, 676 N.E. 2d 27 (Ind. Ct. App. 1997)
- Check Deception isn't an inherently included offense of Forgery
  - *Lewis v. State*, 774 N.E. 2d 99 (Ind. Ct. App. 2002)
- Receiving Stolen Property isn't an inherently included offense of Burglary
  - *Allen v. State*, 743 N.E. 2d 1222 (Ind. Ct. App. 2001)

- Assisting a Criminal isn't an inherently included offense of Robbery
  - *Hauk v. State*, 729 N.E. 2d 994 (Ind. 2000)
- Criminal Trespass isn't an inherently included offense of Burglary
  - *J.M. v. State*, 727 N.E. 2d 842 (Ind. 2000)
- Criminal Trespass isn't an inherently included offense of Residential Entry
  - *Higgins v. State*, 783 N.E. 2d 1180 (Ind. Ct. App. 2003)
- Receiving Stolen Property isn't an inherently included offense of Burglary
  - *Allen v. State*, 743 N.E. 2d 1222 (Ind. Ct. App. 2001)